ENTERED

January 28, 2019 David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

THOMAS E. BALKE, TEBJES INC.	§	
d/b/a BASIC EQUIPMENT and	§	
ULTRAWAVE TECHNOLOGY	§	
FOR EMULSION CONTROL, LLC	§	
d/b/a ULTRATEC, LLC,	§	
	§	
Appellants,	§	
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	8	
v.	§ §	CIVIL ACTION NO. H-18-731
v.	\$ \$	CIVIL ACTION NO. H-18-731
v. DON B. CARMICHAEL, KK & PK	8 8 8	CIVIL ACTION NO. H-18-731
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DON B. CARMICHAEL, KK & PK FAMILY, L.P., BARRY D. WINSTON,	× 00 00 00 00 00 00	CIVIL ACTION NO. H-18-731
DON B. CARMICHAEL, KK & PK FAMILY, L.P., BARRY D. WINSTON,	n on on on on on on	CIVIL ACTION NO. H-18-731

ORDER

The appellants, Thomas Balke, TEBJES Inc., doing business as Basic Equipment, and Ultrawave Technology for Emulsion Control LLC, doing business as Ultratec LLC, filed three bankruptcy appeals with this court from orders entered in a bankruptcy adversary proceeding, Bankruptcy Number 14-3375. The first appeal, Civil Action No. H-18-731, is from the bankruptcy court's January 31, 2018 findings of fact and conclusions of law and from nine other orders in that adversary proceeding. The second appeal, Civil Action No. H-18-937, is from the bankruptcy court's order dated March 9, 2018, denying in part an amended motion filed by the defendants, Don B. Carmichael, KK & PK Family LP, Barry D. Winston, and Gary Emmott, to reconsider the bankruptcy court's February 21, 2018 order dismissing the defendants' motion to alter, amend, or vacate judgment and their alternative motion for new trial. The third appeal, Civil Action No. H-18-731, is from the bankruptcy court's order dated October 18, 2018, determining the record designated

for the first appeal. (Docket Entry No. 24 at 2).

On January 10, 2019, the defendants and appellees filed a motion to bifurcate or to sever the first and third appeals. (Docket Entry No. 24 at 1). The appellees argue that the two appeals are from separate actions and that different briefing schedules and deadlines will be set for each.

A district court has broad discretion in separating issues and claims for trial "[f]or convenience, to avoid prejudice, or to expedite and economize." FED R. CIV. P. 42. Because the first appeal cannot proceed until the merits of the third appeal are resolved, it is more efficient to separately administer the two appeals.

The appellees' motion to bifurcate, (Docket Entry No. 24), is granted.

SIGNED on January 28, 2019, at Houston, Texas.

Lee H. Rosenthal

Chief United States District Judge